IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

AR.No. 11 of 2006()

PETITIONER

M/S.RAJA ENTERPRISES,
NO.9, 6TH CROSS, KUMARA PARK WEST,
BANGALORE-560 020, REP. BY ITS PARTNER
K.R.PRABHU.

BY ADV. SRI.J.S.AJITHKUMAR

RESPONDENTS:

KOZHIKODE DISTRICT SPORTS COUNCIL,
MANNACHIRA SQUARE KOZHIKODE-673 001,
REP. BY ITS SECRETARY.

BY ADV. SRI.K.D.BABU

THIS ARBITRATION REQUEST HAVING BEEN FINALLY HEARD ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J.

A.R.No.11 of 2006

Dated this the 29th day of November, 2006.

ORDER

V.K.Bali,C.J.(Oral)

In this application filed under Section 11 of the Arbitration and Conciliation Act, 1996 the prayer is for appointment of an Arbitrator. It is the case of the petitioner that as per Annexure A1 agreement dated 8.6.2001 the petitioner agreed to the work of 'supply, erection, testing and commissioning of filtration and re-circulation plant for the Swimming Pool' at Kozhikode belonging to the respondent. By supplying materials, the petitioner carried out major work and submitted bills for Rs.42,03,000/- on 23.8.2001. The respondent declined to make payment. Thus invoking clause 19 of the agreement petitioner demanded to appoint an Arbitrator and settle the dispute between the petitioner and the respondent as per Annexure AII notice. The respondent neither settled the dues nor appointed Arbitrator nor even responded to Annexure AII and therefore the present petition.

2. On notice Mr.K.D.Babu has entered appearance on behalf of the respondent and stated that there is likelihood of an out of court settlement between the parties. Only for the likelihood of settlement it cannot be advisable to adjourn the case time and again. In view of the uncontroverted position as mentioned above, this Court appoints Mr.P.Somachoodan Nair, retired District Judge, Sreekrishna Kripa, St.Martin Road, Palarivattom, Kochi-25 as Arbitrator to go into the dispute between the petitioner and the respondent and give an award in accordance with law. Before I may part with this order I may mention that before the Arbitrator enters upon the dispute it will be open to the parties to settle the matter out of court.

Application is disposed of accordingly.

V.K. BALI,
Chief Justice.

vns.